

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 1999-006307

10/11/2011

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT

K. Skelton

Deputy

IN RE THE MATTER OF  
APRIL LYNN GREEN

APRIL LYNN GREEN  
2039 S 172ND  
GOODYEAR AZ 85338

AND

DAVID VERN RAUCH

DAVID VERN RAUCH  
6302 N 61ST AVE  
GLENDALE AZ 85301

DOCKET-FAMILY COURT CCC  
FILE ROOM-CSC  
DAVID RAUCH  
MCSO INMATE MAIL  
PHOENIX AZ 00000

MINUTE ENTRY

Courtroom OCH 201

Prior to the commencement of this proceeding, April Lynn Green is sworn.

10:42 a.m. This is the time set for Resolution Management Conference on Mother's Petition to Modify Child Custody, Parenting Time and Child Support. Petitioner/Mother, April Lynn Green, is present on her own behalf. Respondent/Father, David Vern Rauch, is neither present nor represented by counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Petitioner advises the Court that her legal name has changed. Therefore,

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IT IS ORDERED directing the Docketing Department of the Office of the Clerk of the Court of the Superior Court to change the name on the caption of the case for Petitioner from April Lynn Green to **April Lynn Rue** effective immediately.

Discussion is held with the Court regarding Mother's Petition.

April Lynn Rue, having previously been sworn, now testifies.

The Court is informed that Father is currently in custody regarding criminal case number CR2011-151712-001.

Based upon the foregoing, the Court enters the following temporary orders,

IT IS ORDERED awarding Mother sole legal and physical custody of the minor children, Elizabeth Rauch, born on May 30, 1996 and Kathryn Rauch, born on September 26, 1997.

IT IS FURTHER ORDERED that Father shall not have parenting time with the minor children until further order of this Court.

IT IS FURTHER ORDERED that Father shall respond to the Petition for Modification of Child Custody, Parenting Time and Child Support within twenty days of service of the Petition.

**EVIDENTIARY HEARING SETTING**

IT IS ORDERED setting this matter for **Evidentiary Hearing on January 12, 2012 at 9:00 a.m. to 10:00 a.m. (time allotted: 1 hour)** before:

**Judge Christopher Whitten  
Maricopa County Superior Court  
125 W. Washington  
OCH-Courtroom 201  
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Each party will be allowed ½ of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the evidentiary hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and

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filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 91 Arizona Rules of Family Law Procedure, including an exchange of all relevant information and documents by **December 12, 2011**.
2. All depositions and discovery contemplated by Rules 51 through 64, Arizona Rules of Family Law procedure, shall be **completed** no later than **December 29, 2011** (note that any written discovery must be provided far enough in advance of such date to allow for responses to be served in accordance with the Rules prior to the discovery cutoff).
3. The parties shall exchange all exhibits to be offered as evidence at trial no later than **January 2, 2012**.
4. Counsel and both parties shall personally meet, face to face, **five days prior to the hearing** to conduct settlement discussions, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
5. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information. If a party is forced to incur attorneys' fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of the hearing.
6. If child support or spousal maintenance is at issue, the parties shall exchange their three most recent pay stubs, two most recent tax returns, and any other documents reflecting their income no later than 10 days prior to the hearing. In proceedings involving child support, the parties shall also exchange information regarding the cost of medical, dental and vision insurance and daycare expenses for the parties' minor child(ren).

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice—Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

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IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. If child support or spousal maintenance is at issue, a current Affidavit of Financial Information completed by each party.
2. If child support is at issue, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.
4. If there is a disputed issue regarding the payment of attorneys' fees by either party, an affidavit of the attorneys' fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure. If attorneys' fees are claimed based on the alleged unreasonableness of the opposing party, the affidavit shall include only the amount of fees incurred as a result of the alleged unreasonable actions or positions.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party, or dismissal of the petition.

**IT IS ORDERED that, if either party has exhibits (such as documents, photographs, or other items) that he/she wants the Court to consider as evidence at the hearing, he/she shall make arrangements with the Clerk of this Division (602-372-0754) to deliver the exhibits to this Courtroom by January 6, 2012 with a coversheet containing a description of each exhibit. Duplicate exhibits shall not be presented by the parties. DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.**

*NOTE: We do not hold spots for supplemental exhibits.*

IT IS FURTHER ORDERED that the parties shall set forth in the Joint Pretrial Statement all specific objections that will be made to any exhibit if offered at the hearing. Reserving all objections to the time of hearing is not permitted. Even if there are no objections to an exhibit, any exhibit that a party wishes the Court to consider must be offered individually at the hearing

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(an offer of exhibits “in bulk” will not be permitted) and its specific relevance to an issue in the case explained before the exhibit will be admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement, they may submit a proper consent decree prior to the trial date or they may appear at the time of trial and place the agreements on the record. Alternatively, the Court may vacate the trial without one of those actions occurring upon the request of both parties or their counsel. However, **in the event that the trial is vacated under those circumstances, it will not be reset.** If the trial is vacated and an appropriate consent decree has not been provided to this division within 30 days of the scheduled trial date, the case will be dismissed.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.**

10:50 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ JUDGE CHRISTOPHER WHITTEN

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JUDGE CHRISTOPHER WHITTEN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.